

**IN RE: APPEAL OF JEREMIAH CASTRO-ORTIZ RELATIVE TO A PROPERTY LOCATED AT 1300 CARBON STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA** : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**  
: **APPEAL NO. 2021-36**  
: **VARIANCE, INTERPRETATION AND/OR**  
: **SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING**

**AND NOW**, this 9th day of February, 2022, a hearing having been held on January, 12, 2022, upon the application of Jeremiah Castro-Ortiz, notice of such hearing having first been sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Jeremiah Castro-Ortiz, an adult individual, with a mailing address of 1300 Carbon Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 1300 Carbon Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-2 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant is seeking a dimensional variance to allow the placement of an 11 foot 3 inch high shed in the rear yard setback which exceeds the maximum 10 foot allowed maximum height (Zoning Ordinance Section 600-1003).
5. The proposed shed is 128 square feet in floor area and meets the floor area requirement.

6. There is a fence 5 feet from the rear property line separating the existing alley from the proposed shed.

7. The proposed shed is located 2.5 feet from the existing fence.

8. There were no objections to the requested relief.

9. The Zoning Board finds the proposed use is in keeping with the spirit and intent of the Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood.

### **DISCUSSION**

Applicant is seeking a dimensional variance for the placement of an 11 foot 3 inch high shed in the rear yard setback which exceeds the maximum 10 foot allowed maximum height (Zoning Ordinance Section 600-1003). The proposed relief is reasonable and is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general, subject to the conditions imposed by the Zoning Board as set forth below.

### **CONCLUSIONS OF LAW**

1. Applicant is Jeremiah Castro-Ortiz.

2. The Subject Property is located in the R-2 Residential Zoning District.

3. Applicant is seeking a dimensional variance for the placement of an 11 foot 3 inch high shed in the rear yard setback which exceeds the maximum 10 foot allowed maximum height (Zoning Ordinance Section 600-1003).

4. The Zoning Board is permitted to grant applications for variances as set forth under Sections 600-803, 600-1003 and 600-406.D. of the Zoning Ordinance.

5. In order to grant the requested relief, the Applicant must show that he has satisfied the relevant sections of the Zoning Ordinance.

6. After reviewing the Applicant's request in detail, the Zoning Board enters the following decision:

a. Applicant's request for a dimensional variance from the requirements set forth at Sections 600-803, 600-1003 and 600-406.D. of the Zoning Ordinance is hereby granted.

b. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board including the conditions applicant agreed to on the record which are incorporated herein by reference.

c. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistent with the contents of this Decision without making application requesting further relief from the Zoning Board.

d. Failure to comply with any of these conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY  
OF READING**

/s/ Philip Rabena

**PHILIP RABENA, CHAIRMAN**

/s/ Thomas Fox

**THOMAS FOX**

/s/ Jeffrey Gattone

**JEFFREY GATTONE**

/s/ William Harst

**WILLIAM HARST**